

Case 2:03-cv-01770-GLL-FXC Document 64 Filed 03/11/07 Page 1 of 1

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

ANCELL HAMM,)
Plaintiff,)
v.) Civil Action No. 03-1770
EDWARD RENDELL, Governor, MICHAEL)
FISHER, Attorney General, JEFFREY)
BEARD, DOC Secretary, NEAL)
MEACHLING, Superintendent, C.O.)
YOLINSKY, C.O., GEORGE , C.O.)
PEER, Lt. BLAKEY, C.O. TEETER,)
WILLIAM STICKMAN, Superintendent,)
Sergeant COOPER, Captain COLE,)
SHELLY MANKEY, JAMES META, ROBERT)
BITNER, and TONY EDWARDS,)
Defendants.)
Judge Gary L. Lancaster/
Magistrate Judge Francis
X. Caiazza

AND NOW, THIS 9th DAY OF
March 07, IT IS HEREBY
ORDERED THAT THE WITHIN
MOTION IS DENIED.

Gary L. Lancaster
UNITED STATES DISTRICT JUDGE

NOW COMES, ANCELL HAMM, PLAINTIFF, who motions Judge Lancaster, for its reconsideration for the following reasons as set forth below;
To Wit:

- 1.) This court committed an error of law inasmuch as, there is no available administrative remedies to exhaust when it adopted the Report & recommendation of the Magistrate Judge Caiazza, as dated 31. January 2007;
- 2.) This court committed an error of law when it permitted the defendants to bring an incomplete state record into the district court that the plaintiff has been convicted of two counts of homicide as this violates the mandates by the U.S. Supreme Court in its landmark decision: *Goodenough Horseshoe Mfg. Co., vs Rhode Island Horseshoe Co.*, 154 U.S. 635 (1877);
- 3.) This court has committed an error of law when it adopted the Report & Recommendation of the Magistrate, that violates the state supreme court's decision by Justice Roberts, in *Comm. vs Hamm*, 474 Pa. 487, 378 A.2d. 1219 (Pa. 1977),